

No. 15-1853
(Reexamination No. 95/002,109)

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ClassCo, Inc.,

Appellant,

v.

Apple, Inc.

Appellee.

Appeal from the United States Patent and Trademark Office
Patent Trial and Appeal Board
Case No. PTO-1: 95-002,109

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

Pursuant to Rule 26(b) of the Rules of Practice of the Court of Appeals of the Federal Circuit, the Appellant ClassCo, Inc., moves for an extension of time to file its opening brief.

I. Unopposed Motion to Extend Briefing Deadline

ClassCo moves for an extension of time of thirty (30) days to file its brief in reply to the Brief for Appellee Apple Inc. dated December 23, 2015. The current deadline is January 7, 2016; the extended deadline will be February 6, 2016. No

previous extensions have been requested by the Appellant. In accordance with Rule 26(b)(1), this motion is being filed at least seven days before the deadline sought to be extended.

Counsel for Apple Inc. does not oppose this motion.

This extension of time is being sought in order to give the undersigned counsel for ClassCo sufficient time to complete Appellant's reply brief in view of several factors, including the Christmas and New Year's holiday spanning December 25, 2015, to January 4, 2016, almost the entire period between the entry of Appellee's brief on December 23, 2015, and the current due date for Appellant's reply brief of January 7, 2016. Preparation of Appellant's reply brief will require extensive consultation between the undersigned counsel for ClassCo and Mr. David J. Luneau, ClassCo's president. The ongoing holiday period has made and continues to make it difficult to schedule meetings with Mr. Luneau. In addition, the undersigned has had to attend during the same period to other, unrelated client matters with firm deadlines before the U.S. Patent and Trademark Office (PTO).

Scheduling meetings with Mr. Luneau is complicated because he lives in New Hampshire while the undersigned counsel for ClassCo is located in Princeton, NJ, and by the demands on Mr. Luneau's time as a member of the New Hampshire House of Representatives. Preparing Appellant's reply brief will require the undersigned not only to meet with Mr. Luneau and to actually prepare the brief,

but also to attend during the same time period to numerous other matters before the PTO with firm deadlines during January 2016. These include (i) preparing a brief on appeal of an unrelated *ex parte* reexamination with a deadline of January 21, 2016, an extension of which PTO practice does not typically permit, (ii) responding to a new ground of rejection by the PTO Patent Trial and Appeal Board in an appeal of an unrelated *inter partes* reexamination in which the undersigned's client is the patent owner, the deadline for which is currently January 22, 2016, and (iii) preparing for and attending an oral hearing on January 26, 2016, at the PTO in an unrelated *ex parte* appeal, which the PTO has said it will not reschedule. Moreover, the undersigned represents clients in numerous other matters pending before the PTO with deadlines in January that will require his attention during the same period that all of the enumerated matters are due and during which Appellant's reply brief in the present appeal will have to be prepared.

As a sole practitioner, the undersigned's personal attention is required in all of these matters. Accordingly, it will be difficult for him to complete all of them in a timely fashion, as well as meeting with Mr. Luneau and preparing Appellant's reply brief in the present appeal, without an extension of the current deadline for same.

II. Conclusion

Accordingly, ClassCo respectfully submits that good cause exists to extend the time to file Appellant's reply brief for thirty days from January 7, 2016, to February 6, 2016.

Date: December 29, 2015

Respectfully submitted,

/s/ David M. Quinlan
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Attorney for Appellant, ClassCo, Inc.

CERTIFICATE OF INTEREST

Undersigned Counsel certifies the following:

1. The full name of every party or amicus represented by me is:

ClassCo, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

ClassCo, Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this Court are:

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Date: December 29, 2015

/s/David M. Quinlan
Attorney for Appellant, ClassCo, Inc.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 29th day of December, 2015, I caused this Unopposed Motion for Extension of Time to File Appellant's Brief to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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